



USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

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JUDICIAL STRENGTHENING PROJECT

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I. START-UP ACTIVITIES COMPLETED

By the end of February, the third full month of operation of the Judicial Strengthening Project (JSP), the start-up process was virtually completed. The project staff was now able to focus on operational, programmatic, and administrative activities.

Project Office

The final items of furniture and equipment were procured, delivered, and installed during the reporting period. A number of furniture and shelving items were obtained from a USAID project, which completed its mission and was closing out. The JSP office was fully functional by late February.

Selection of Permanent Staff

The Chief of Party (COP) and Senior Legal Advisor/Deputy Chief of Party (DCOP) screened applicants for the Project Attorney and Court Administration Coordinator positions and selected eight for interviews. The COP and DCOP determined that candidate Ketii Busnoska was exceptionally qualified to occupy the position of Court Administration Coordinator. After completing the necessary paper-work, a contract was signed and she began work on February 1, 2012.

Two applicants were shortlisted for the remaining position. These finalists were given follow-up structured interviews on January 23. Emilija Taseva was selected to occupy the Project Attorney position. Unfortunately, Ms. Taseva informed the COP that she was going to accept another job offer. The COP and DCOP immediately reviewed the list of applicants and interviewed Ms. Kristina Cuculoska. After a thorough interview process and checking her references, MS. Cuculoska was offered to join the JSP team, which she accepted. She was offered a contract with a 3 month probation period and began work on February 23, 2012.

The COP delivered an orientation session for the professional staff outlining the mission and goals of the project as well as the results, requirements, and indicators. This session took place on February 23.

II. PROGRAM RELATED ACTIVITIES AND TASKS

First Year Work Plan and Performance Monitoring Plan

During February, COP Joseph Traficanti and DCOP Nena Ivanovska continued to work with USAID Contracting Officer Representative (COR), Antoaneta Skartova, to finalize JSP's First Year Work Plan and Performance Management Plan (PMP). As a result of a number of meetings, which included one with USAID PMP Expert, Ivica Vasev, MA Project Development Specialist it is anticipated that both the Work Plan and the PMP will be finalized in early to mid-March.

Preparatory and Introductory Meetings

Meetings with partners, counterparts and key decision and policy makers continued in preparation of several activities and tasks to be undertaken by JSP. The meetings generally fell into two categories. The first includes meetings with donors and other projects to determine their anticipated activities in Macedonia and to introduce JSP and its objectives. These meetings were helpful in determining areas suitable for JSP intervention. One of the tasks to be undertaken by JSP is to identify funding sources for a number of associations in need of organizational strengthening and capacity building. During February these contacts included the following:

Republic of Macedonia Committee for Protection of the Right to Free Access to Public Information. JSP COP and DCOP hosted the meeting with the president of the committee, Pece Tashevski and junior associates, Katerina Dimovska and Makfirete Morina. This government committee is responsible for protecting the public's right to certain government information including free access to information of the courts. Mr. Tashevski reported that judges and court personnel are not always in compliance with the laws of free information and suggested the need for training judges and court staff on this issue. This meeting highlighted an area for JSP to watch for opportunities to imbed the subject in future judge and administrator training. This committee may also be a resource for training, to familiarize the judges and especially court administrators with the law's requirements and to introduce an acceptable protocol for requests for information.

World Bank, BASME. The project has previously met with representatives of the World Bank, which is winding up its justice system support mission in Macedonia. One of its last tasks was to prepare a Functional Analysis for Improving Organizational Effectiveness of the Courts in the Republic of Macedonia. This study encompassed the analysis of twelve selected courts, the Training Academy for Judge and Public Prosecutors, and the Administrative Office of the Court Budget Council.

Since the analysis is relevant to the work JSP envisioned for its Result 2, Ms Ivanovska met with Mr. Danilov, the team leader of said study, on February 2 and obtained a copy of the draft. The document will be helpful for the two international experts that will conduct an assessment of court administration and management systems and a staffing study in March. It will contribute to JSP work to enhance the budget process and to develop needs-based budgets including embedding cost-per-case analysis into this process. The document has been translated into English and has been reviewed by JSP staff and shared with the consultants who will arrive in March.

Organization for Security and Cooperation in Europe (OSCE). JSP has developed a cooperative relationship with OSCE. The COP and DCOP met with its Rule of Law officers for Macedonia, Ms. Rezarta Schuetz and Ms. Nathalie Tran, on February 13. OSCE has always been quite helpful in supplying up-to-date English translations of applicable laws. JSP staff member Ketii Businoska prepared a list of laws or amendments for which the project lacked English translations. OSCE supplied what they had available and promised to send future translations as they become available. It is axiomatic to say that this provides the project with significant savings. One of the objectives of this meeting was to determine areas in which OSCE is involved, programmatically, so as to avoid duplication or overlap with JSP activities. OSCE has submitted a proposal to the Macedonian Judges Association (MJA) for future cooperation in several areas. Since the MJA is one of JSP's target beneficiaries, JSP will avoid those areas and has submitted a proposal to the MJA for assistance which will be delineated later in this report.

SOROS Foundation. The COP and DCOP met with Ms. Karanfilova-Panovska and Ms. Naumovska, local representatives of the SOROS Foundation. They gave an informative overview of the focus of their targeted grants in the areas of human rights, minority populations, and legal services for the poor. The members of the Court Administrators Association (CAA) are lawyers and wish to participate in free legal assistance to the poor but do not have the funding to initiate the program. This is an area in which SOROS may be of assistance. JSP personnel have advised the CAA of that fact and encouraged the officers to contact SOROS personnel who seemed interested in the possibility of cooperation with the CAA.

Embassy of the Kingdom of Norway. The project was asked by representatives of the Norwegian Embassy to meet in anticipation of preparing a project in Macedonia. The focus of the developing project is the criminal law area, with a concentration on juvenile justice, in particular, mediation and diversion. The Deputy Director of the National Mediation Services Central Administration and a Sr. Advisor attended on behalf of the Embassy. The COP and DCOP advised them of the focus of JSP and gave them background information on the traditions and usage of mediation in Macedonia. They were also advised of contacts in the mediation area, which may be helpful to them. There seemed little chance of overlap or collaboration with JSP at this time. JSP personnel offered to be a resource for information, when and if needed.

The second category of meetings concerns program initiatives, which are scheduled for the near future or presently underway.

Macedonian Judges Association (MJA). On February 17, the JSP team met with the MJA president, Supreme Court Justice Nikolco Nikolovski at the JSP offices. The COP and DCOP have previously met with the president to outline the mission and goals of the project. At this meeting he was briefed on the progress of the initiative to advance the capacity of justice sector Legal Professional Associations (LPAs) and the assessment to be undertaken by the Center for Institutional Development (CIRa). Judge Nikolovski presented a list of potential areas for JSP cooperation with the MJA. The areas included assistance in publishing the Judicial Review, which has been an MJA journal for a number of years. He is now interested in making it available electronically to MJA members. MJA is also looking for assistance in upgrading and maintaining the organization's web site and in creating a web-based survey whereby the MJA can survey the work of the courts and solicit the opinion of the public through a web-based questionnaire.

The project team considered these options and conferred with the USAID COR. Factoring in the OSCE assistance to the MJA, the project responded by letter to the judge identifying the following areas of possible assistance.

- Revise or prepare a new strategic plan
- Support MJA in organizing a roundtable discussion for reviewing and preparing better laws
- Support MJA's effort to increase transparency and better communication with media
- Support training on grant applications for the EU and other donors, as well as teaching project cycle management
- Obtain intern to support use of IT and publish Judicial Review in an electronic version
- Work with MJA employees to increase their soft skills - this depends on Need Assessment produced by CIRa by April 5, 2012

Macedonian Lawyers Association (MLA). DCOP Ivanovska and Court Administration Coordinator Businoska met with the Association on February 22. Ms. Ivanovska presented the activities of the project, specifically explaining the upcoming assessment of the PAs and civil society organizations (CSOs). Based on the results, JSP may offer soft skills trainings to several members of the associations.

Mr. Belicanec, President of the Association, gave a brief overview of MLA and its major activities. He sees the MLA as a strong and self-sustainable legal professional association. They organize two meetings or conferences per year and discuss current legal topics. They regularly publish the newsletter "Pravnik" (Lawyer), which is a monthly edition.

MLA has completed an analysis regarding the duration of the commercial cases in the courts. The analysis has shown that the courts with the most qualified judges in the commercial departments were more effective and expeditious in their work. This supports the need for special commercial departments in the courts and continuous education and training for commercial judges. MLA may be a good partner for workshops and public discussions pertaining to improving efficiency and quality of justice in the commercial area. This group may also be useful in determining the training needs for judges in the commercial area and perhaps helping in the design of training courses.

European Law Students Association (ELSA). Ms. Ivanovska and Ms. Businoska met with Ms. Svetlana Kjoseva, President of the European Law Students Association, on February 22. A presentation of the activities of the project was given explaining the upcoming analysis of the PAs and CSOs. Based on the results, JSP may offer soft skills trainings to several members of the associations.

Ms. Kjoseva expressed openness for collaboration regarding the needs assessment. She also emphasized that the law students are ready to be included in variety of projects depending on the needs of JSP for a small stipend.

Appellate Court, Skopje Region, President Judge. JSP representatives met with President Judge Ljupka Arsenievska on February 17 to update her on current initiatives and to seek her support. President Judge Arsenievska supports the idea of appellate court presidents having input on new amendments to laws concerning the judiciary and would like to have all president judges on board. In discussing case processing and backlog reduction, she acknowledged that great progress has been made but refresher training on how to implement backlog reduction plans will be helpful.

Judge Arsenievska advised that the process of unifying court decisions on the appellate court level has been renewed in 2011 (there were no activities from late 2007-2010). The next meeting for unifying decision in the criminal area is scheduled on April 6, 2012 and for the civil area on May 11, 2012. She extended an invitation to JSP to attend and observe the meeting.

President Judge Arsenievska supports the training for Court Budget Council members. She pointed out that president judges of appellate courts give constant support for budget preparation to the presidents of basic courts in their regions. The judge also enthusiastically supports the training for president judges and court administrators. A range of other topics was discussed including the use of the Automated Court Case Management Information System (ACCMIS), Electronic Court Recording and transparency and media relationship with the courts.

Meetings with the president judges for the other appellate regions are scheduled for early March¹.

Court Service Council (CSC) President. To prepare for the upcoming consultancies, particularly the assessment of court administration and management system, JSP met with Sonja Gruevska, President of the CSC. She expressed her support for the discussed initiatives including the staffing study and the assessment of the administration and management of the courts. She also supported any training for court administrators. She considers this an

¹ Meetings were conducted with the president judges of Appellate Region Stip and Appellate Region Bitola early in March and will be reported in the next JSP report.

urgent need, particularly for conducting disciplinary procedures as well as employment procedures for new court personnel.

The Act of Unified Descriptions for Court Administration was enacted in January last year and shared with JSP by Ms. Gruevska. A number of job descriptions, particularly of the court administrator, need to be updated with new tasks and responsibilities as a result of several law changes.

Administrative Office of the Court Budget Council (AO). In preparation for the upcoming consultancies, JSP staff met with Ms. Sylvija Janevska to obtain data and personnel assignment records under the control of the AO. That office has been gracious in supplying what was needed.

Court Administrators Association (CAA) President Borche Mirceski. Mr. Mirceski emphasized that the court administrators have many new responsibilities and there are no middle management court employees in the courts that could support the administrators in the performance of their numerous tasks and activities. He opined that new employment criteria should be introduced specifically for the court administration. The CAA will support the consultancy initiatives underway and a number of its members have agreed to meet with the first consultant on March 13. The association is now more than 1200 members strong and is expected to be of great assistance to the current JSP initiatives. The three-year Strategic Plan of the CAA needs to be reviewed as 2012 is the plan's last year. President Mirceski asked for JSP financial support to send one person to the International Association of Court Administration's International Conference in the Hague on June 13-15, 2012.

ACCMIS Meetings. A number of the above meetings included a discussion of the level of use of ACCMIS. There is anecdotal evidence that, in some venues, the product is underused. The project met with Ms. Franka Kopanovska of EduSoft, original vendor that now provides support to ensure effective ACCMIS usage. It appears that the product is working well but is underutilized. Ms. Kopanovska believes that the complaints evolve around issues such as leadership and support in certain courts.

A number of meetings took place to discuss the issues of electronic recording of court proceedings. The predecessor project, Judicial Reform Implementation Project (JRIP), procured and installed electronic court recording devices in 80 courtrooms throughout Macedonia. It appears that the product is not being fully utilized. Clearly there are issues to be investigated and problems identified.

III. TASKS AND ACTIVITIES INFLUENCING RESULTS

Summarized in Section 2 above is much of the background and preparation for activities towards the required results. The following sections will more fully enumerate activities leading to the programmatic mission and goals of the project and specific results.

Result 1 Strengthening advocacy and citizen participation in judicial sector reform

In the previous report of January 2012, JSP reported the development of a list of PAs and CSOs for possible JSP intervention. A revised list was developed to segregate associations that are eligible for JSP assistance and those that are potential JSP partner organizations. Potential partner organizations include the Association for Emancipation, Solidarity and Equality, Center for Institutional Development, Macedonian Institute for Integration, World Learning Impact, and Macedonian Center for International Cooperation.

Assessment of Associations and Organizations for Potential Intervention.

This initial assessment will identify PAs to determine the willingness and commitment to take part in supporting an independent and highly functional judiciary. Following the initial assessment phase, the project is expecting to implement a specific methodology and approach that will be used to conduct a detailed performance assessment of two to four PAs in order to identify the performance, organizational gaps and shortcomings for each of the targeted organizations.

An in-depth assessment, which includes not only screening the hierarchy of an organization but a significant number of its membership, is beyond the resources of JSP. Accordingly, following a competitive procurement process, a contract was entered into with the Center for Institutional Development (CIRa) to conduct a quick and focused needs assessments of 12 PAs and CSOs in order to determine their strengths and weaknesses and to identify potential areas for intervention. CIRa began its preparations and commenced activities on February 23. The first deliverable (the questionnaires to be used for the assessment) is due on March 12, which will be reviewed by the project's professional staff. The first phase of the assessment is expected to be completed by March 30. Thereafter between 2 and 4 PAs will be selected for targeted intervention to strengthen the organizations, to assist them in becoming more responsive to their memberships and to better serve as advocates and supporters of the rule of law and an independent and vibrant judiciary.

Result 2 More Independent, efficient and consistent application of judicial policies and practices

Review and Advocacy of Laws by Judiciary. JSP has been charged with improving the legal framework and judicial policies that strengthen independence, effectiveness, and accountability of the judicial system. The JSP staff has been reviewing an array of laws, adopted as part of the recent reforms since the adoption of the Government Strategy for Judicial Reforms in 2004.

Up-to-date versions of these laws, with the most recent amendments, have been obtained and reviewed. The COP and DCOP have been meeting with a number of partners to discuss the formation of a judicial group to review these laws and to identify inconsistencies, gaps, unfunded mandates, duplications, and idiosyncrasies. The goal is to encourage the judiciary to be proactive in proposing laws and amendments and in opposing laws compromising judicial independence and efficiency.

The project will provide an atmosphere conducive to institutionalizing this effort and eventually introducing civil society participation, allowing for input from appropriate PAs and other CSOs.

Strengthening Judicial Administration and Management Systems, Procedures, and Capacities. The project has undertaken an assessment of the existing administration and management systems, procedures, and practices of the courts and judicial bodies. JSP staff has been gathering selected materials that constitute the existing framework for court operations. These have been forwarded to an international court administration and management expert in preparation for an on-site consultancy to begin on or about March 18. The expert, Moira O'Leary Rowley, will review current court processes to identify gaps, impediments and obstacles to seamless and efficient court administration and operations management. She will identify impediments to the free flow of information and communication between the courts and court administration and other judicial sector

actors. A presentation of her findings will be made on or about March 30 to judicial policy and decision makers.

Court Staffing Study and Recommended Staffing Guidelines. There is anecdotal evidence suggesting that the courts are not staffed fairly and in accordance with work volume. Clearly, there appears to be an imbalance with some courts having more than sufficient staff and others with too few. There is also a need for the establishment of up-to-date job descriptions and work standards in view of the many changes in the laws as well as automation. Court personnel have been required to perform new skills and carry out a number of new tasks. To address these needs JSP will undertake a staffing study and the development of staffing guidelines to assist the courts in making the case for more personnel where needed and to support the reassignment of others. International Expert Ronald Stout will commence the study and on-site work on March 13. Based on the facts developed by the staffing study and the assessment of court administration and management, JSP will be better positioned to address the issue of job descriptions and work standards.

Result 2 and Result 3 Increased fairness and efficiency of the administration of Justice through more effective legal personnel and efficient processes

Recent revisions on the Law on Courts have clearly delineated the role of the president judges as leaders and managers of the courts. They are responsible and are accountable to the Judicial Council as a result. Capacity building in this area is required and, from discussions with president judges, is desired.

Training on Management Responsibilities of President Judges and Court Administrators. The project staff has been preparing for training of president judges and court administrators. JSP is accumulating pertinent information to engage Dutch Expert Judge Bert Maan with the implementation of this work on May 7. Training topics will include appropriate management skills for managing a modern-day court and elements on leadership for president judges and administrators.

Training of members of the Court Budget Council (CBC). While in Macedonia in early May, Judge Maan will conduct a one-day training for the members of the CBC. Several members will be new at the time of the presentation and a refresher would be advantageous for other members. The topic will be the Role of the President Judge in Budget Preparation and Execution. The COP and DCOP have been engaged in planning these events and teleconferencing with Judge Maan on this upcoming consultancy. JSP staff has been tasked with obtaining information and data needed for off-site preparation.

Assessment of the Utilization of ACCMIS and Electronic Recording of Court Proceedings. A consultancy has been planned to take place in early March. A local IT expert, Ms. Rosaliya Vasilevska, has been retained and will assess the use of ACCMIS and determine and report on impediments to its full use by the courts and other users. It has been reported to JSP that this robust and effective system is underutilized in certain venues. The expert will ascertain what obstacles are inhibiting full use and recommend remedial action.

Ms. Vasilevska will also ascertain the reasons for the underutilization of the electronic recording equipment installed with USAID support in 80 courtrooms by the previous JRIP. This 10-day consultancy will result in a report on both issues and recommendations for corrective action.

IV. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and those to be expected in the regular course of business. None have been extraordinary and all have been addressed and resolved.

V. SUMMARY OF ACTIVITIES PLANNED FOR MARCH 2012

A summary of the activities planned for March follows:

- Finalize the First Year Work Plan (expected week of March 12)
- Finalize the Performance Monitoring Plan with agreed upon indicators
- Monitor progress and deliverables of assessment of justice sector PAs and CSOs by CIRa
- Continue to meet with donors and monitor opportunities for collaboration
- Using the assessment results, as available to select PAs/CSOs for:
 - Limited capacity building activities for identified needs and,
 - Being part of a future broad based coalition of organizations to support and advocate for judicial independence
- Continue to accumulate English translations of the most recent versions of laws passed or amended since 2004
- Begin analysis of those laws and begin a comparative study with similar laws in the region
- Identify potential members of a judicial working group to review laws
- Conduct a Training Needs Assessment for future training of judges and court administrators
- In collaboration with the Director of the Academy for Training of Judges, develop an initial training plan and introduce the concept of creation of modules to be used by the Academy in the future.
- Support the staffing study and preparation of staffing guidelines consultancy, scheduled to begin on-site work on March 12
- Support the assessment of existing administrative and management systems consultancy, scheduled to begin on-site work on March 19
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type and prepare an in-depth analysis of the case data
- Continue to involve the four appellate region president judges in appropriate activities
- Identify all issues regarding complete system-wide use of ACCMIS
- Support consultancy for ascertaining the extent of difficulties with electronic recording and a proposed action plan –March 15 to April 5
- Work with the CAA to develop areas of support by JSP
- Planning and preparation for training of CBC members on topics including needs-based budgeting
- Prepare three-year plan for off-shore study tours